

PATENT  
ATTORNEY DOCKET NO. 07256/024001  
UC REFERENCE NO. SD96-043-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John O'Brien                      Art Unit: 1801  
Serial No.: 08/928,074                      Examiner: Unassigned  
Filed : September 11, 1997  
Title : METHODS OF ALLEVIATING NEUROPATHIC PAIN

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

**Box Missing Part**

Assistant Commissioner for Patents  
Washington, DC 20231

Responsive to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) mailed October 21, 1997 (a copy of which is enclosed), Applicant, as a small entity, submits herewith the following:

A Combined Declaration and Power of Attorney in compliance with 37 C.F.R. §1.63.

A Verified Statement Claiming Small Entity Status under 37 C.F.R. §1.9(f).

Payment of the surcharge of \$65.00 for late filing of the declaration.

A Sequence Listing, with diskette and Verified Statement under 37 C.F.R. §1.821.

It is understood that this perfects the application and no additional papers or filing fees are required. If there are any other charges, or any credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/22/97

John R. Wetherell, Jr., Ph.D.

Reg. No. 31,678

Attorney for Applicant

Fish & Richardson P.C.  
4225 Executive Square, Suite 1400  
La Jolla, CA 92037  
Telephone: 619/678-5070  
Facsimile: 619/678-5099  
47494.LJ1

Date of Deposit 12/22/97

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Box Sequence . Sector \$43



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Art Unit: 1801  
Examiner: Unassigned

TRANSMITTAL LETTER

**Box Missing Part**

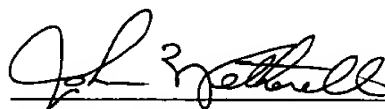
Assistant Commissioner for Patents  
Washington, DC 20231

Correspondence relating to the above-identified application is enclosed. Enclosed please find: request for corrected filing receipt, copy of the application transmittal letter (2 pages), assignment, Recordation Form Cover Sheet (Form PTO-1595), payment of the charge of \$40.00 for recordation, response to Notice to File Missing Parts, Notice to File Missing Parts (mailed October 21, 1997), Combined Declaration and Power of Attorney, Verified Statement Claiming Small Entity Status, payment of the surcharge of \$65.00 for late filing of the declaration, Sequence Listing, with diskette and Verified Statement under 37 C.F.R. §1.821.

If there are any other charges, or any credits, please apply them to Deposit Account No. 06-1050.

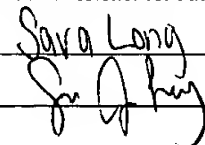
Respectfully submitted,

Date: 12/22/97

  
John R. Wetherell, Jr., Ph.D.  
Reg. No. 31,678  
Attorney for Applicant

Fish & Richardson P.C.  
4225 Executive Square, Suite 1400  
La Jolla, CA 92037  
Telephone: 619/678-5070  
Facsimile: 619/678-5099  
47614.LJ1

Date of Deposit 12/22/97  
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Sara Long  
Sp. A. Hwy



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ATTORNEY DOCKET NO. 07256/024001  
U.C. REFERENCE NO. SD96-043-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John O'Brien /  
Serial No.: 08/928,074  
Filed: 9/11/97  
Title: METHODS OF ALLEVIATING NEUROPATHIC PAIN

Art Unit: 1801  
Examiner: Unassigned

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington DC 20231

RECEIVED  
JAN 6 1998  
GPO: 1998-1000

Correspondence relating to this application is enclosed. Enclosed please find: preliminary amendment, Information Disclosure Statement, Form PTO-1449 (2 pages), and copies of submitted references (31).

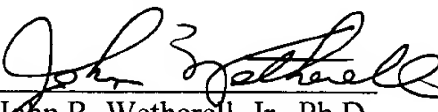
The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Total Claims	31	-	31	=	0	\$0
Independent	6	-	6	=	0	\$0

TOTAL FEE DUE: \$0

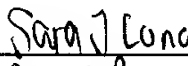
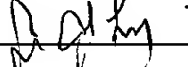
Respectfully submitted,

Date: 12/22/97

  
John R. Wetherell, Jr., Ph.D.  
Reg. No. 31,678

Fish & Richardson P.C.  
4225 Executive Square, Suite 1400  
La Jolla, CA 92037  
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Date of Deposit 12/22/97  
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 1300.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

**If all required items on this form are filed within the period set above, the total amount owed by applicant as a**  
☒ large entity ☐ small entity (verified statement filed), is \$ 1391.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☒ insufficient.

Applicant must submit \$ 34.00 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.  
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

Sequence Disk Only

Application No.: 08928074

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**